

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

CELSIUS NETWORK LLC, et al.,

Debtors.

Case No. 22-10964 (MG)

**ORDER ESTABLISHING CASE MANAGEMENT PROCEDURES FOR THE
CONFIRMATION HEARING**

The Confirmation Hearing in this case is noticed to begin at 2:00 pm, October 2, 2023. (*See Notice of Hearing to Consider Confirmation of the Debtors' Chapter 11 Plan and Related Voting and Objection Deadlines*, ECF Doc. # 3344.) The Plan Objection Deadline is 4:00 pm, September 22, 2023. (*Id.* at 3.) Any objection to confirmation must be submitted in writing and “state with particularity the basis and nature of any objection to the Plan and, if practicable, a proposed modification to the Plan that would resolve such objection” (*Id.*)

The following deadlines and procedures shall apply to the Confirmation Hearing unless otherwise ordered:

1. On or before 5:00 pm¹, September 27, 2023, any party-in-interest who wishes to make an Opening Statement (each, an “Opening Statement”) in support of or opposition to confirmation **must** file a written request to do so, with an estimate of the time requested. After receiving all such requests, the Court will allocate the time for each Opening Statement. The Court will not allocate time equally for each request. The Court expects to

¹ All times referenced in this Order are in prevailing Eastern Time.

hear Opening Statements (if requests are made) generally in the following order: (1) Debtors, (2) Unsecured Creditors Committee (“UCC”), (3) Ad Hoc Committees, (4) Federal and State Regulators, (5) attorneys for creditors, and *pro se* creditors, in support of confirmation, (6) attorneys for creditors, and *pro se* creditors, in opposition to confirmation. **Absent good cause shown, the Court will not permit any Opening Statement from any party-in-interest that has not filed a written request as provided herein.** After receiving the requests to make Opening Statements, the Court will enter a further Order setting forth the order in which opening statements may be made and the time allocated to each Opening Statement. Any person making an Opening Statement should avoid making cumulative presentations during an Opening Statements.

2. If anyone (attorney or *pro se* party) wishes to use any demonstratives during their Opening Statements, the demonstratives must be filed on the docket in electronic format on or before 12:00 noon, September 29, 2023. (Demonstratives used in opening statements are not admitted in evidence.) Upon the objection of any party, or on its own determination, the Court may preclude the use of a demonstrative during an Opening Statement. The demonstratives will be displayed on Zoom during the Opening Statements so that anyone permitted to appear on Zoom may see the demonstratives. The public, including the media, who are not in the courtroom, may only listen to opening statements remotely using an audio

platform as set forth in paragraph 8 below; they may obtain copies of the demonstratives on the Court's public docket.

3. On or before 12:00 noon, September 27, 2023, all parties-in-interest (including the Debtors, UCC, Ad Hoc Committees, and *pro se* creditors) shall file on the docket written direct testimony (under oath), and copies of the exhibits that they expect to offer **in support of confirmation** (marked as D-1, D-2, etc. by the Debtors; marked as UCC-1, UCC-2, etc. by the UCC; marked as Ad Hoc-1, Ad Hoc-2, etc. by the Ad Hoc Committees; marked as *Pro Se*-1, *Pro Se*-2, etc. by *pro se* creditors). Counsel for the Debtors, UCC and Ad Hoc Committees shall deliver two paper copies of their direct testimony and exhibits to the Court on or before 5:00 pm, September 27, 2023; Counsel for the Debtors shall deliver two copies of such written direct testimony and exhibits of *pro se* creditors to the Court on or before 5:00 pm, September 29, 2023.
4. On or before 12:00 noon, October 11, 2023, all parties-in-interest shall file on the docket written direct testimony (under oath), and copies of the exhibits that they expect to offer **in opposition to confirmation** (Marked as "[Creditor Name]-1," "[Creditor Name]-2", etc.) Any party-in-interest represented by counsel shall deliver two paper copies of the direct testimony and exhibits to the Court on or before 5:00 pm, October 11, 2023. Debtors' counsel shall deliver to the Court two paper copies of the direct testimony and exhibits for *pro se* objectors on or before 5:00 pm, October 12, 2023.

5. For good cause shown as to why direct testimony has not been submitted in writing as provided in this Order, the Court will permit parties-in-interest to call witnesses for in-court direct, cross-examination and redirect testimony.
6. Unless otherwise ordered by the Court, all declarants must appear **in the courtroom** for cross-examination. Any request for remote testimony (cross examination and any redirect examination) of witnesses for whom direct testimony is submitted in writing must comply with Federal Rule of Civil Procedure 43(a), which provides in part as follows: “For good cause shown in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.” FED. R. CIV. P. 43(a).
7. The Court may issue further orders setting forth procedures for the Confirmation Hearing. Any party-in-interest that wishes to request any additions or modifications to these procedures may file a written request on the docket, with the heading “**REQUEST FOR ADDITIONS OR MODIFICATIONS TO CONFIRMATION HEARING PROCEDURES.**”
8. The new procedures relating to remote participation in evidentiary judicial hearings mandated by the Judicial Conference of the United States will be in effect for the Confirmation Hearing. As a result, the Court designates that the portion of the Confirmation Hearing during which opening statements will be made as **NOT AN EVIDENTIARY HEARING.**

Consequently, with respect to the OPENING STATEMENTS only, the Court will permit the public, including members of the media, to dial-in remotely using the audio platform made available by the Court. Any person or entity that is permitted to dial in to the hearing by using the audio platform must register their appearance in the Electronic Appearance portal located on the Court's website at: <http://www.nysb.uscourts.gov/ecourt-appearances>. Appearances must be entered no later than **4 PM on September 29, 2023, the business day before the hearing.**

9. Unless otherwise ordered, **other than the Opening Statements**, the remainder of the Confirmation Hearing is designated as an **EVIDENTIARY HEARING**. Consequently, the public, including members of the media, may only attend the remainder of the Confirmation Hearing in the courthouse, not remotely.

IT IS SO ORDERED.

Dated: September 15, 2023
New York, New York

Martin Glenn

MARTIN GLENN
Chief United States Bankruptcy Judge